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In re Application of
BHATTACHARYYA, Debasis et al.
Application No.: 09/937,850
PCT No.: PCT/IN00/00013
Int. Filing Date: 16 February 2000
Priority Date: None
Attorney's Docket No.: 3095-004
For: A MULTI STAGE SELECTIVE
CATALYTIC CRACKING PROCESS
AND A SYSTEM FOR PRODUCING
HIGH YIELDS OF MIDDLE
DISTILLATE PRODUCTS FROM
HEAVY HYDROCARBON
FEEDSTACKS

DECISION

ON PETITION UNDER

37 CFR 1.181

This is a decision on applicant's "Response to Notice to File Missing Parts," filed with the Office on 30 July 2002. This has been treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 16 February 2000, applicant filed international application PCT/IN00/00013. A copy of the international application was transmitted to USPTO by the International Bureau on 23 August 2001. The deadline for entry into the national stage in the United States was twenty months from the priority date, or 16 October 2001.

On 28 September 2001, applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee.

On 31 January 2002, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905), indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 30 July 2002, applicant filed the instant petition and a response to the Notification of Missing Requirements.

DISCUSSION

Applicant asks that the Office waive the extension of time fee because the Notification of Missing Requirements was significantly delayed.

MPEP §710.06 sets forth the requirements for resetting a period for reply due to late receipt of an office action. A petition to reset the time period for reply must be (1) filed within two weeks of receipt of the office action, (2) demonstrate significant delay, (3) present evidence, (4) state when the communication was received and (5) be signed.

Items (2)-(5) have been met. More than half of the time period set for reply had elapsed. Applicant has provided a copy of the original communication with the law office's receipt stamp attached to it and states that the communication was received on that date. Finally, the petition is signed by a practitioner registered to practice before the Office.

Item (1) has not been satisfied. The petition was filed on 30 July 2002, though the Notification of Missing Requirements was received 20 March 2002.

The fee for a four month extension of time will be charged to deposit account no. 07-1337, as authorized by the petition.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application has an international filing date of 12 November 1998 under 35 U.S.C. §363 and a date of 30 July 2002 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing in accordance with this decision.



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